

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.22332 of 2018
and
CrI.M.P.Nos.12365 & 12366 of 2018

1.V.R.B.Sandhya

2.Jayanthi ... Petitioners/Respondents 3 & 4

Vs.

1.Sumathi

2.Minor Sai Charan Teja

3.Minor Abhishek

4.Minor Sadhana

(Minors rep by their

Mother & Natural Guardian

Sumathi, 1st Respondent)

... Respondents/Petitioners

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records relating to the D.V.C. No.16 of 2017 on the file of the Judicial Magistrate Court, Gudiyatham and quash the same in so far as it relates to petitioners are concerned.

For Petitioners : Mr.K.Govi Ganesan

For RR1 to R4 : Notice served no appearance

ORDER

These Criminal Original Petitions have been filed seeking to quash the D.V.C. No.16 of 2017 on the file of the Judicial Magistrate Court, Gudiyatham,Vellore.

2. The petitioners are sister-in-law of the 1st respondent herein and the marriage between one Ramakrishnan and the 1st respondent was solemnized on 30.04.2009. Thereafter, due to matrimonial disputes the 1st respondent and her husband were living separately. Under these circumstances, the husband of the 1st respondent filed a petition seeking divorce on the file of the Judicial Magistrate Court, Gudiyatham, Vellore District. After filing this divorce petition, the 1st respondent herein had

made a complaint before the Judicial Magistrate Court, Gudiyatham, Vellore District and implicated the petitioners herein as parties to the petition and sought action as against them under Domestic Violence Act. The said D.V.C.16 of 2017 is pending for trial. At this stage, the petitioners herein who are the Sister-in-law of the 1st respondent pray to quash the proceedings in D.V.C.No.16 of 2017.

3. Heard the learned counsel for the petitioners and peruse the materials available on record.

4. It is seen that the relief sought for the respondents in the domestic violence case with regard to residential rights, compensation, etc., can be made and claimed as against her husband, who is already a party in that case. The petitioners herein are only Sister-in-law of the 1st respondent and they are living separately. As such, the protection order sought for by the 1st respondent herein in the domestic violence case against the petitioners/sister-in-law, based on the allegations, cannot be maintained, in view of the fact that the allegations of harassment meted out by the petitioners against the 1st respondent itself seems to be false. While that being so, there cannot be any act of any domestic violence as defined under Domestic Violence Act against the petitioners. In the absence of the same, the proceedings as against the petitioners cannot be maintained and consequently, the petitioners need not undergo the ordeal of facing a criminal trial.

5. In view of the above, this Court is inclined to quash the proceedings in DV.C.No.16 of 2017, on the file of the Judicial Magistrate, Gudiyatham, Vellore District, insofar as these petitioners are concerned. Insofar as A1/husband of the 1st respondent is concerned, since the impugned proceedings in D.V.C.16 of 2017 is pending from the year 2017 onwards, it would be appropriate to direct the trial Court to complete the trial within a period of six months from the date of receipt of copy of this order. The husband of the 1st respondent viz., Ramakrishnan, is directed to appear before the trial Court on the next hearing date, failing which, the 1st respondent is at liberty to approach this Court.

6. In the result, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Ins.Cell)

//True Copy//

Sub Assistant Registrar

vsn

To

1.The Judicial Magistrate,
Gudiyatham, Vellore District

2.The Public Prosecutor,
High Court of Madras.

Copy To:

V.R. Ramakrishnan,
S/o.Rajaiah,
C/o.R.K.Water Supply,
Opp. To Prashanth Matriculation School,
Kurlangunda, Tirupati,
Chittoor Dist, Andhra Pradesh.

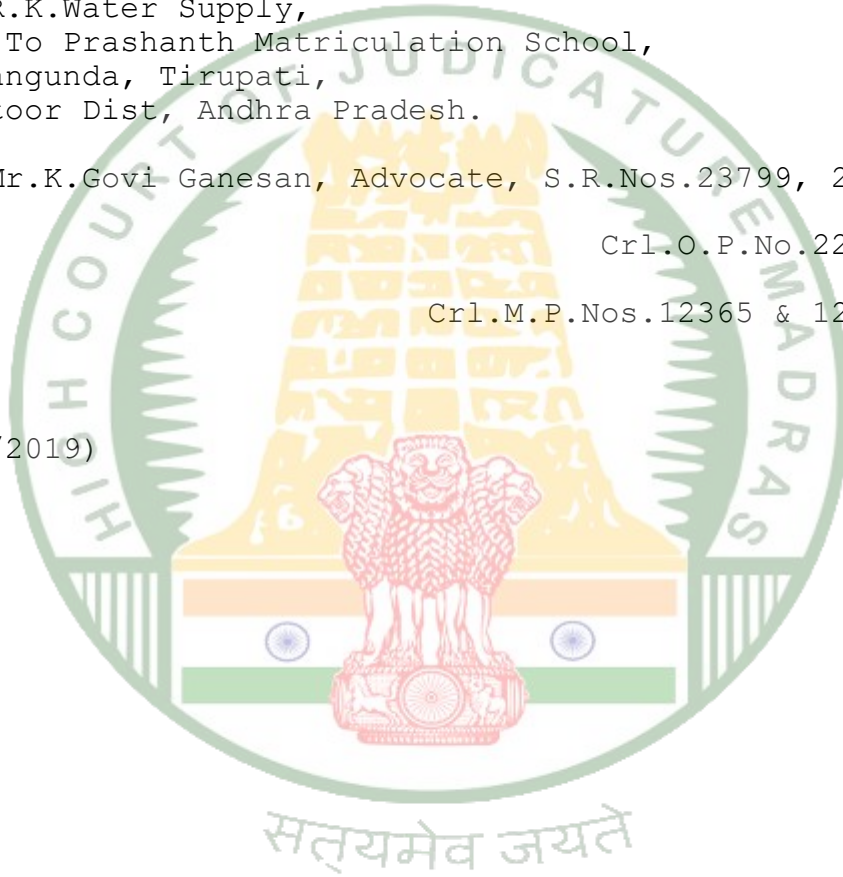
+2ccs to Mr.K.Govi Ganesan, Advocate, S.R.Nos.23799, 23794

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and

Crl.M.P.Nos.12365 & 12366 of 2018

SSI (CO)

RRS (29/04/2019)



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